

PROB 12C  
(6/16)

Report Date: January 29, 2019

**United States District Court**

for the

**Eastern District of Washington****Petition for Warrant or Summons for Offender Under Supervision**FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON**JAN 30 2019**SEAN F. McAVOY, CLERK  
DEPUTY  
SPOKANE, WASHINGTON

Name of Offender: Brian Scott Fellman Case Number: 0980 2:09CR06087-WFN-1

Address of Offender: [REDACTED] Spokane, Washington 99201

Name of Sentencing Judicial Officer: The Honorable Wm. Fremming Nielsen, Senior U.S. District Judge

Date of Original Sentence: November 29, 2010

Original Offense: Receipt of Child Pornography, 18 U.S.C. § 2252A(a)(2) and (b)

Original Sentence: Prison - 70 months Type of Supervision: Supervised Release  
TSR - 60 months

Revocation Sentence: Prison - 7 days  
(April 4, 2018) TSR - 22 months

Asst. U.S. Attorney: David Michael Herzog Date Supervision Commenced: April 13, 2018

Defense Attorney: David K. Fletcher Date Supervision Expires: February 19, 2020

**PETITIONING THE COURT**

To issue a summons.

The probation officer believes that the offender has violated the following conditions of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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1	<b><u>Standard Condition #4:</u></b> You must be truthful when responding to the questions asked by your probation officer.
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**Supporting Evidence:** On January 22 and 24, 2019, Mr. Fellman was in direct violation of standard condition number 4 by failing to disclose that he had use illegal drugs.

On April 16, 2018, Mr. Fellman was given a copy of his judgment and sentence. This officer went over every condition and Mr. Fellman signed his judgment reflecting he understood each condition.

On January 22, 2019, Mr. Fellman reported to the U.S. Probation Office. He submitted a urine sample that tested presumptive positive for both marijuana and methamphetamine. Mr. Fellman was given numerous opportunities to be honest with this officer, however, he continued to deny his illegal drug use.

On January 24, 2019, the undersigned officer met with Mr. Fellman at his residence. He was again given the opportunity to be honest regarding any illegal drug use. Mr. Fellman assured this officer that the test would come back clean.

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On January 28, 2019, the undersigned officer received confirmation that Mr. Fellman's urine sample tested positive. On January 29, 2019, Mr. Fellman reported to the U.S. Probation Office and disclosed he had lied about not using illegal drugs.

- 2      **Special Condition #18:** You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervision officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

**Supporting Evidence:** On January 18, 2019, Mr. Fellman was in direct violation of special condition 18 by failing to submit a urine sample at Pioneer Human Services.

On April 16, 2018, Mr. Fellman was given a copy of his judgment and sentence. This officer went over every condition and Mr. Fellman signed his judgment reflecting he understood each condition.

Due to Mr. Fellman's past drug use, he was directed to call the urine collection hotline daily and listen for the color "Brown 1." On January 18, 2019, the color "Brown 1" was called and Mr. Fellman failed to appear to submit the urine sample.

- 3      **Special Condition #18:** You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervision officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

**Supporting Evidence:** On January 22, 2019, Mr. Fellman was in direct violation of special condition 18 by testing positive for marijuana.

On April 16, 2018, Mr. Fellman was given a copy of his judgment and sentence. This officer went over every condition and Mr. Fellman signed his judgment reflecting he understood each condition.

On January 22, 2019, Mr. Fellman provided a urine sample that was sent to Alere labs for further confirmation. On January 28, 2019, it was confirmed that the urine tested positive for marijuana. On January 29, 2019, Mr. Fellman signed a drug use admission form stating he did use marijuana.

- 4      **Special Condition #18:** You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervision officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

**Supporting Evidence:** On January 22, 2019, Mr. Fellman was in direct violation of special condition 18 by testing positive for methamphetamine.

On April 16, 2018, Mr. Fellman was given a copy of his judgment and sentence. This officer went over every condition and Mr. Fellman signed his judgment reflecting he understood each condition.

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On January 22, 2019, Mr. Fellman provided a urine sample that was sent to Alere Laboratory for further testing. On January 29, 2019, Mr. Fellman signed a drug use admission form stating he had used methamphetamine.

The U.S. Probation Office respectfully recommends the Court issue a summons requiring the offender to appear to answer to the allegations contained in this petition.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 01/29/2019

s/Joshua D. Schull

Joshua D. Schull  
U.S. Probation Officer

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#### THE COURT ORDERS

- ☐ No Action
- ☐ The Issuance of a Warrant
- ☒ The Issuance of a Summons
- ☐ Other

  
Signature of Judicial Officer

1/30/19  
Date